

Docket No. GRIP108US
U.S. Patent Application No. 10/567,071
Reply to Office Action of March 19, 2010
Date: September 16, 2010

Remarks/Arguments

Claim Amendments

All claim amendments and new claims are fully supported by the specification for the instant application.

No new matter has been added.

The Rejection of Claims 1, 4, 8, 15-25, and 33-38 Under 35 U.S.C. §102

The Examiner rejected Claims 1, 4, 8, 15-25, and 33-38 under 35 U.S.C. §102(b) as being anticipated by U.S. Published Patent Application No. 2002/0091908 (Ashida et al.). Applicant respectfully traverses the rejection.

Anticipation requires that all of the elements of the claim be taught within the four corners of a single reference.

The methodology and approach of the disclosure of the present application and the invention of Ashida are very different. Ashida relates to data mining involving the use of user judgement, and especially to allowing user input to select rules and data segments to be mined. That is, Ashida's process requires input from a user.

In contrast, the present application relates to automatic determination of a maximum number of useful (putative) second item types by an automatic process which does not require user input within the process.

Claim 1

1. Ashida does not teach the automatic process of Claim 1

Amended Claim 1 recites:

“(b) wherein the iterative determining process is *automatically* terminated under the condition that an iteration of the determining process does not result in storage in the first database of a second item type which was not stored in the first database in a previous iteration of the determining process, thus indicating that all putative second item types logically determinable from said stored data have been determined and stored in the first database;”

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The Examiner states that limitation (b) in Claim 1 of the December 28, 2009 paper is anticipated by the feature of Ashida "only stored before user selects speculation model [0036]".

The Examiner also states in point 7 of the Office Action that "From the input data, the model uses characteristic rules and customer lists with speculation results to make iterative speculation model steps [0036]."

Paragraph [0036] of Ashida states that "the speculation model generation unit 109 generates a predetermined number of speculation models 110 in advance and store (sic) them before the user selects a particular speculation model for use". Thus to the extent that "iterative speculation model steps" are made, such steps are directed by the user.

The Examiner thus appears to incorrectly consider the actions of the user, to direct additional segment or model selections, to be iterations, and the decision by the user not to direct any additional "iterations" to be equivalent to the termination condition as previously claimed. It will be appreciated that, since the present invention is directed to *automatic determination of a maximum number of useful (putative) second item types by an automatic process which does not require user input within the process*, the approach of Ashida, which is the use of user input to effect successive iterations or to determine when the iterative process is terminated, is utterly contrary to the above limitations of Claim 1.

2. Ashida does not teach the termination of amended Claim 1

Amended Claim 1 recites:

"(b) wherein the iterative determining process is *automatically terminated* under the condition that an iteration of the determining process does not result in storage in the first database of a second item type which was not stored in the first database in a previous iteration of the determining process, *thus indicating that all putative second item types logically determinable from said stored data have been determined and stored in the first database*;" (emphasis added)

Amended claim 1 recites that the iterative process is automatically terminated under specified conditions: Ashida does not teach this. To the contrary, in Ashida the process

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terminates (ie speculation results are generated) when the user decides not to direct additional segment selection. This cannot reasonably be regarded as automatic termination.

3. Ashida does not teach the determining process of Claim 1

Amended Claim 1 recites:

“(b) wherein the iterative determining process is automatically terminated *under the condition that an iteration of the determining process does not result in storage in the first database of a second item type which was not stored in the first database in a previous iteration of the determining process*, thus indicating that all putative second item types logically determinable from said stored data have been determined and stored in the first database;” (emphasis added)

Claim 1 recites a particular approach to termination, which is not taught or suggested by Ashida, as shown in the italicized limitation above. The italicized limitation means that the final "iteration" which triggers the termination of the iterative process is necessarily the first and only iteration in which no additional second item type(s) are determined and stored in the first database.

It will be appreciated that in every previous iteration at least one additional second item type(s) would have been determined and stored in the first database, otherwise the iteration process would already have terminated, since the termination condition would have been met.

In contrast, Ashida does not teach any such clear definite difference between an iteration which terminates the iterative process, and one which does not. Ashida does not teach that termination of an iterative process is dependent upon whether new second item types are stored in an iteration. Ashida thus does not teach the termination condition set out in Claim 1.

Indeed, since the termination condition in Claim 1 requires an iteration in which no useful data determination occurs, such a termination condition would be nonsensical in Ashida, since it would amount to the user having specifically selected a speculation model or segment which generates no new data. This would be a nonsensical decision contrary to the user acting to generate useful speculation results. Even if the user were to act in this way there is nothing in Ashida which teaches that this would terminate the process, and to the contrary, the fact that such

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a non-productive attempt had just been made would suggest that further "iterations" would be desirable.

It will further be appreciated that the type of determination of data to which Claim 1 is directed is different to the type of determination of data to which Ashida is directed.

4. Ashida does not assess putative second item types

Amended Claim 1 recites:

(b) wherein the iterative determining process is automatically terminated under the condition that an iteration of the determining process does not result in storage in the first database of a second item type which was not stored in the first database in a previous iteration of the determining process, *thus indicating that all putative second item types logically determinable from said stored data have been determined and stored in the first database;*" (emphasis added)

This is not taught by Ashida - in fact, to the contrary, the purpose of the repeated selection process of Ashida (which the Examiner appears to incorrectly consider equivalent to the claimed iterative process) is to allow a user to subjectively select rules or customer data in order to allow desired data to be mined. This is the opposite of the automatic process recited in Claim 1 of determining all logically derivable putative second item types.

For all the reasons noted above, Ashida fails to teach each and every element of Claim 1 and Claim 1 is novel with respect to Ashida. Claims 4, 8, 15-25, and 33-37, dependent from Claim 1, also are novel with respect to Ashida.

Claim 38

The arguments regarding Claim 1 are applicable to amended Claim 38. Therefore, Claim 38 is novel with respect to Ashida.

Although the amendments to the claims, and the arguments and explanations set out above are directed mainly to the termination condition recited in Claims 1 and 38, Applicant does not concede that other features of the iterative process of the invention as claimed are anticipated by Ashida and refers to the arguments of record.

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In particular Applicant does not agree that Ashida teaches an automatically performed iterative process in which a database is searched for prerequisites in order to determine putative second item types and in which, *in every iteration* (except the final iteration which meets the termination condition) one or more putative second item types are determined and stored in the first database (indicating that they may usefully be included in a spreadsheet in accordance with the spreadsheet system model for which the data is being processed) so that they are available as a potential prerequisite item for future otherwise identical iterations. However, Applicant may have adopted some terminology applied by the Examiner in relation to Ashida, for ease of reference.

Applicant courteously requests that the rejection be removed.

The Rejection of Claims 5-7 and 9-14 Under 35 U.S.C. §103

The Examiner rejected Claims 5-7 and 9-14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0091908 (Ashida et al.) and in view of U.S. Patent No. 6,438,547 (Mehr et al.). Applicant respectfully traverses the rejection.

Applicant has shown that Ashida fails to teach every element of Claim 1. Nor does Ashida suggest or motivate the elements of Claim 1 not taught by Ashida. Therefore, Claim 1 is patentable over Ashida. Mehr does not cure the defects of Ashida with respect to Claim 1; therefore, Claim 1 is patentable over the cited references. Claims 5-7 and 9-14, dependent from Claim 1, enjoy the same distinction with respect to the cited references.

Applicant courteously requests that the rejection be removed.

The Rejection of Claims 26-31 Under 35 U.S.C. §103

The Examiner rejected Claims 26-31 under 35 U.S.C. §103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0091908 (Ashida et al.) and in view of U.S. Published Patent Application No. 2002/10049749 (Helgeson et al.). Applicant respectfully traverses the rejection.

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Applicant has shown that Claim 1 is patentable over Ashida. Helgeson does not cure the defects of Ashida with respect to Claim 1; therefore, Claim 1 is patentable over the cited references. Claims 26-31, dependent from Claim 1, enjoy the same distinction with respect to the cited references.

Applicant courteously requests that the rejection be removed.

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Conclusion

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,

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